

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated December 23, 2008 and, thus, the application is in condition for allowance.

By this reply, claims 2-7, 11-16 and 20-23 are amended. Claims 24-26 are newly added. Claims 1 – 26 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1, 2, and 10-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Oommen et al. published application (US PG pub. No. 2003/0203484). It is asserted the Oommen discloses substantially the same invention as in the pending claims. Applicant respectfully traverses.

Neither Oommen not any other related art of record can anticipate the present invention as recited in the claims because Oommen does not teach or fairly suggest each of the elements recited therein. For example, Oommen fails to disclose, among other things, applying the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographical location and a logical location. This element is recited in independent claims 1 and 10 and is supported, for example, in paragraph [0031] of the disclosure. Logical location, as used in the claim, refers to such instances as, for example, “In a meeting”, “In transit”, etc. (paragraph [0031]). A network location is very different from a geographical location and has a completely different purpose. A customer care facility uses the geographical location or logical location to provide a better customer care experience (paragraph [0031]). Oommen discloses an apparatus which can exchange configuration indicia associated with a mobile node (Oommen, Paragraph [0017]-[0018]). However, Oommen

discloses at most a location of a device within a network or management tree. This is very different from the present invention, wherein the received device status includes geographic location information or logical location information (as defined in paragraph [0031]). Furthermore, in the paragraph of Oommen cited by the Office Action with respect to location, paragraph [0025], any provided location is part of a request message from a network manager. This is not a location provided by, for example, an SMS message from another device. It is a request with an included network location.

Therefore, the network manager is sending out any such location, not receiving it. This is not the same as the element claimed in the present invention. Thus, because Oommen does not contain each element of the independent claims, Oommen cannot anticipate the pending claims. For at least this reason the rejection should be withdrawn.

The Office Action characterizes “logical location” as that which is implemented in TCP/IP, and by that definition Oomen’s location within a network or management tree constitutes a logical location. However, there is nothing in Applicant’s disclosure describing a “logical location” as a network address. “Logical location” is expressed as a status of the user such as “In a meeting”, or “In transit” (paragraph [0031]). Many subscribers may use the same device, but the logical location only describes the status of the current user (paragraph [0008]).

However, in order to further prosecution, Applicant has submitted claims 24 and 25 to clarify that the logical location takes the form of a status of the user. There is nothing in Oomen that teaches or fairly discloses applying the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographical location and a status of the user. For this

and the foregoing reasons in favor of patentability, the rejection should be withdrawn and the claims should be allowed to issue.

Regarding claims 2, 11, and 12, it is asserted that Oommen anticipates these claims. Oommen does not teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from Oommen. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 19-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen. It is asserted that Chen discloses a system with all of the features of the present invention as recited in the claims, but for extracting a device identifier from the message, including location information. It is further alleged that Oommen discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Regarding claim 19, neither Chen, nor Oommen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claim. For example, none of the references teach or suggest, among other things, a network element which applies the device identifier to locate device status information including location information, wherein the location information is one or more of a geographical location and a logical location. Chen discloses generating updates of firmware/software components in electronic devices (Chen, Paragraph

[0023])). Chen does not disclose any type of device location at all. As stated above, Oommen also does not contain this element. At most, Oommen discloses a location within a network, not a geographical or logical location. Therefore, Oommen cannot cure the deficiencies of Chen and the combination of Chen and Oommen cannot render the claim obvious. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

However, in order to further prosecution, Applicant has submitted claim 26 to clarify that the logical location takes the form of a status of the user. There is nothing in Oomen that teaches or fairly discloses a network element which applies the device identifier to locate device status information including location information, wherein the location information is one or more of a geographical location and a status of the user. For this and the foregoing reasons in favor of patentability, the rejection should be withdrawn and the claims should be allowed to issue.

With respect to claims 20-23, because Chen and Oommen cannot, alone or in combination, teach all of the elements in the independent claim, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by Chen or Oommen. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable,

arguendo, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

Claims 3, 4, 7-9, 13, and 16-18 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Chen. It is asserted that Oommen teaches substantially the same invention as recited in the pending claims but for setting network access permission according to the device status for a device corresponding to the device identifier. It is further asserted that Chen discloses these features and thus the combination of Oommen and Chen would render the pending claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Chen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Each of these claims is a dependent claim, dependent upon either claim 1 or 10, which have been traversed above. Because Oommen and Chen cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen or Chen. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 5, 6, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Corrigan et al. (US PG Pub. No. 2002/0187775). It is asserted that Oommen teaches substantially the same invention as recited in the pending claims but for receiving the message via a Short Message Peer to Peer Interface. It is further asserted that Corrigan discloses this feature and thus the combination of Oommen and Corrigan would render the pending claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Corrigan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither reference discloses applying the device identifier to determine a device status, including location information, wherein the location information is one or more of a geographical location and a logical location. As stated above, this feature is recited in both independent claim 1 and 10. Thus, because each of these claims is dependent upon either claim 1 or 10, this element is therefore necessarily present in each. Corrigan discloses an access node having a portal which performs interfacing between a wireless network domain and content/service providers in the Internet (see Corrigan, Abs.). In no way does Corrigan discloses determining location information from a device identifier. As stated above, Oommen also does not contain this element. At most, Oommen discloses a location within a network, not a geographical or logical location. Because Oommen and Corrigan cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the

independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen or Corrigan. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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